

### **REMARKS**

The office action of October 4, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 1-22 have been amended. Claims 1-22 are pending. Reconsideration and allowance of the instant application are respectfully requested. Support for the amendments may be found in the application as originally filed. Specifically, support for the amendments to claims 1, 11, and 22 may be found at least in paragraphs [0021] and [0025].

#### ***Allowable Subject Matter***

Applicants note with appreciation the indication that the application contains allowable subject matter. Specifically, the Examiner objects to claims 12 and 14-21 for being dependent upon a rejected base claim, but would be allowable if amended to incorporate all the features of their ultimate base claim and any intervening claims. It is not clear if claim 13 has been allowed or not. The Examiner indicates at the top of page 6 that claim 13 has been rejected. However, in the next paragraph, the Examiner then indicates that claim 13 (as part of claims 12-17) has been objected to as containing allowable subject matter. For purposes herein, claim 13 is treated as rejected over the combination of Ishinaga and Shimizu.

#### ***Objections to the Claims***

The Examiner objects to claims 1-22. Applicants have amended the claims accordingly.

#### ***Rejections under 35 U.S.C. § 103***

Claims 1-10 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,593,598 to Ishinaga. Applicants respectfully traverse this rejection.

Claim 1 now recites:

“        wherein the inner wall face provides diffuse reflection...”

Ishinaga does not teach or suggest an inner wall face that provides diffuse reflection. To reject the claimed inner wall face, the Examiner relies on outer surface 24a of transparent resin or sealant 24. Page 3 of the Office Action, element 24a of Ishinaga. The outer surface 24a of

Ishinaga, does not, however, provide diffuse reflection as recited. Rather, Ishinaga discloses inner wall 22a has a high smoothness, which may be interpreted as a mirror-like surface. The transparent resin or sealant 24 conforms to the smoothed inner wall 22a “to improve[e] the reflection rate.” Ishinaga at column 3, lines 36-39. Thus, a smooth surface with an improved reflection rate does not provide diffuse reflection in the manner claimed. Therefore, at least this feature of amended claim 1 is not taught by Ishinaga. The Examiner’s modification of Ishinaga does not address the shortcomings of Ishinaga as identified above.

Further, claim 1 recites:

“ wherein the angle between the inner wall face composing the concave portion and the bottom face is selected within  $\pm 15^\circ$  of the incident critical angle in which a direct light radiated from the light emitting element undergoes total reflection at the interface between the translucent member and air.”

Ishinaga fails to suggest this relationship between “the angle” and “ $\pm 15^\circ$  of the incident critical angle” as recited in claim 1. Accordingly, claim 1 is allowable over Ishinaga.

Claims 2-10 depend from claim 1 and hence are allowable at least for their dependence on an allowable claim.

Claim 22 now recites:

“ processing the inner wall face so as to provide diffuse reflection...”

Ishinaga fails to teach or suggest this recitation. Rather, Ishinaga describes smoothing the to recite “processing the inner wall face so as to provide diffuse reflection.” As discussed above, the inner wall 22a is processed to have a high degree of smoothness. The outer surface 24a of transparent resin or sealant 24 of Ishinaga is also smoothed as contacting the smooth surface 22a, so as to “to improve[e] the reflection rate.” Ishinaga at column 3, lines 36-39. Thus, at least this feature of claim 22 defines over Ishinaga.

Claim 22 also recites the relationships between “the angle” and “ $\pm 15^\circ$  of the incident critical angle” as described above.

The Examiner’s modification of Ishinaga does not address these distinctions over Ishinaga. Claim 22 is therefore allowable over Ishinaga.

Claims 11 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishinaga in view of U.S. Patent No. 7,045,828 to Shimizu et al. Applicants respectfully traverse this rejection.

Claim 11 now recites:

“            wherein the inner wall face provides diffuse reflection...”

Claim 11 as modified is not suggested by Ishinaga for at least the same reasons as provided above. Shimizu is relied upon by the Examiner does not cure the deficiencies of Ishinaga. Thus, the combination of Ishinaga and Shimizu, even if proper, would not result in the claimed invention. Therefore, claim 11 is in condition for allowance.

Claims 13 depends from claim 11 and hence is allowable at least for its dependence on allowable claim 11.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

By: /Christopher R. Glembocki/  
Christopher R. Glembocki  
Reg. No. 38,800

1100 13<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20005-4051

Dated: March 3, 2008